

### **REMARKS**

Claims 1 and 4-6 are pending and under consideration in the above-identified application. Claims 2, 3 and 7 have been previously cancelled.

In the Office Action dated September 1, 2010, the Examiner rejected claims 1, 4 and 6.

With this Amendment, claims 1 and 5 were amended. No new matter has been introduced as a result of the amendments.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Oesten et al. (US 2001/0046628 A1) in view of Kawai et al. (U.S. Publication No. 2003 0152839) and Spitler et al. (US 2004/0197657).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Oesten et al., Kawai et al., and Spitler et al. in view of Naruoka et al. (U.S. Patent No. 6,893,766).

Applicants respectfully traverse each of the above listed rejections.

Claims 1 and 5 require a coating layer that is adhered to the entire outer surface of an inner particle. The coating layer is a homogeneous lithium-titanium compound that has a single phase of polycrystalline spinel. Specification, pages 4-5. Applicant notes that the Examiner's interpretation of the coating on page 2, which characterizes the coating as comprising a homogenous compound is incorrect. The claims require a coating layer that is a homogenous compound.

The Examiner argues that "the titanium oxide particle coating as taught by Oesten et al. corresponds to the outer coating, an oxide of lithium and titanium of the instant application." Office Action, page 4. Applicant, however, disagrees. Oesten et al. states that, "the invention provides ...particles which are coated with alkali metal compounds and metal oxides." Oesten et

al. [0024]. The coating of Oesten is a mixture of compounds and oxides, not a homogeneous compound as required by the claims. *Id.* at [0037]. A mixture, unlike a homogeneous compound, is made up of more than one component, each of which retains their individual properties. As such, the titanium oxide particle coating as taught by Oesten et al. does not correspond to the outer coating embodied by the claims because the invention of Oesten et al. is a two-part mixture coating. In contrast, the coating required by the claims “is a homogenous second compound oxide having a spinel structure in the cubic system of lithium and titanium selected from the group consisting of  $\text{Li}_4\text{Ti}_5\text{O}_{12}$ ,  $\text{Li}_2\text{TiO}_3$ ,  $\text{Li}_2\text{Ti}_3\text{O}_7$  and  $\text{Li}_4\text{Ti}_{4.90}\text{Mn}_{0.10}\text{O}_{12}$ .” (emphasis added). Moreover, because the object of the invention in Oesten et al. is a two-part mixture coating, Oesten et. al. teaches away from a homogenous compound coating as required by the claims.

Thus, taken singularly or in combination with each other, the above cited references fail to either teach or even fairly suggest the required elements of independent claims 1 and 5. As such, claims 1 and 5 are patentable over the cited references, as are dependent claims 4 and 6 for at least the same reasons. Accordingly, Applicant respectfully requests the above rejections be withdrawn.

## **II. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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